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Atty. Dkt. No. 052209-0150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pierre J-M RIVIERE et al.
Title: TREATMENT OF BONE
METASTASES BY MEANS OF
PTH RECEPTOR AGONISTS
Appl. No.: 10/587,184
International 1/13/2005
Filing Date:
371(c) Date: 8/31/2006
Examiner: Xiaozhen Xie
Art Unit: 1646
Confirmation 6577
Number:

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement set forth in the Office Action mailed April 30, 2008, Applicant hereby provisionally elects the subject matter of Group I (Claims 1-12), drawn to a method of ameliorating symptoms associated with the growth of bone cancer comprising administering a PTH receptor agonist. This election is made with traverse for the reasons set forth below.

The Office Action alleges that the claims lack a common technical feature because U.S. Patent 6,316,410 teaches the use of PTH analogues "for treating osteoporosis which is associated with bone metastasized or bone originated cancer." This is simply not correct, however, as there is no mention of bone cancer or bone originated cancer in the '410 patent.

Because the Office Action does not establish that the claims lack a common technical feature, the Restriction Requirement is improper and should be withdrawn.

Applicant respectfully awaits examination on the merits.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 28, 2008

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